

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 2

February 11, 2014

SUBJECT: PROPERTY SEIZED SUBJECT TO FORFEITURE - REVISED

PURPOSE: A recent audit by Internal Audits and Inspections Division revealed a need to update procedures concerning narcotics-related asset forfeiture. These procedures will ensure that the Department has the optimum opportunity to seize illicit narcotics proceeds. A nexus must exist between the currency to be seized and narcotics activity. The best means to evaluate the viability of an asset forfeiture case is to seek advice from an Asset Forfeiture Investigative Detail (AFID) investigator, Gang and Narcotics Division, (GND).

PROCEDURE: Department Manual Section 4/201.65, *Property Seized Subject To Forfeiture*, has been revised. Attached is the revised Manual Section with revisions indicated in italics.

AMENDMENTS: This Order amends Section 4/201.65 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

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201.65 PROPERTY SEIZED SUBJECT TO FORFEITURE. Officers who seize property for forfeiture in accordance with Section 11470 of the Health and Safety Code *must* notify the Asset Forfeiture Coordinator, Gang and Narcotics Division.

Currency Appears to Be Less Than \$10,000 or Personal Property of Any Value

Officer's Responsibilities. When an officer seizes narcotics-related currency less than \$10,000 or personal property, the officer will:

- Request a supervisor;
- Contact Asset Forfeiture Investigative Detail (AFID) during office hours. If AFID is closed, they can be contacted through Real-Time Analysis and Critical Response (RACR) Division;
- Photograph the currency at the location(s) where the currency was discovered (e.g., inside a kitchen drawer, on a desk inside the master bedroom, etc.);
- Conduct a money count in the presence of a supervisor;
- Make an effort to determine ownership of the seized asset or currency;
- Complete a Field Interview Report, Form 15.43.00, on all persons who are present, including minors;
- If possible, determine how the possessor obtained the seized asset (e.g., holding for a friend, making a purchase, etc.);
- Ensure that a Receipt for Property Taken Into Custody, Form 10.10.00, is issued;
- Include the name and serial number of the Supervisor that responded to the scene on all reports;
- Include the name and serial number of the AFID employee contacted for advice on all reports;
- Forward a copy of the entire completed Arrest Report/Property Report (including search warrant if applicable) to AFID by completing the "extra copies" section and write "Asset Forfeiture, GND" on the left margin; and,
- Complete booking into evidence as advised by the AFID employee.

Note: With all non-currency seizures, contact AFID prior to moving the seized property. Vehicles subject to forfeiture require AFID approval and should not be impounded, but transported to an AFID approved secure location.

Supervisor's Responsibilities. A supervisor will respond when an officer reports narcotics-related currency, and will ensure the following:

- If the currency appears to be less than \$10,000, witness the money count;
- Ensure that currency found in separate locations are not comingled (to preserve trace narcotic evidence); and,
- Ensure that each found currency location is documented in the completed Arrest Report/Property Report.

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Value of Currency Appears to Be in Excess of \$10,000.

Officer's Responsibilities. Officers seizing narcotics-related currency having value that appears to be in excess of \$10,000 will:

- Not disturb or count the currency;

Note: Generally, AFID will not respond if the currency has been disturbed or counted.

- Immediately request a lieutenant to respond to the scene and notify the on-duty watch commander;

Note: Although the presence of a lieutenant is encouraged, it is understood they are not always available. At a minimum, the on-duty watch commander (sergeant or lieutenant) should respond to the scene. Adhering to this practice minimizes the potential for impropriety and serious allegations of misconduct. If the seizure is made pursuant to a search warrant, the seized assets must not be released, transferred or returned without advice from AFID.

- Immediately notify AFID who will respond if necessary and may take custody of the currency;
- Ensure a Receipt for Property Taken Into Custody, Form 10.10.00, is issued;
- Make an effort to determine ownership of the seized asset or currency;
- Complete a Field Interview Report, Form 15.43.00, on all persons who are present, including minors;
- Photograph the currency at the location(s) where the currency was discovered (e.g., inside a kitchen drawer, on a desk inside the master bedroom, etc.);
- If possible, determine how the possessor obtained the seized currency (holding for a friend, making a purchase, etc.);
- Include the name and serial number of the responding lieutenant/watch commander on all reports;
- Include the name and serial number of the notified and/or responding AFID employee on all reports;
- When AFID employees transport currency to AFID, officers from the investigative entity must accompany them; and,
- Forward a copy of the entire completed Arrest Report/Property Report (including search warrant if applicable) to AFID by completing the "extra copies" section and write "Asset Forfeiture, GND" on the left margin.

Supervisor's Responsibilities. A supervisor will respond when an officer reports narcotics-related currency, and will ensure the following:

- If the value of the currency appears to be in excess of \$10,000, ensure the currency is not disturbed or counted; and,

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- *Immediately notify a lieutenant or the acting watch commander for their required response to the scene.*

Note: Should the responding supervisor determine it is unsafe to remain at scene, AFID should be contacted and will provide advice on how to minimize the potential for the destruction of evidence. The supervisor will bulk transport currency to the Area station. The supervisor must secure the currency in the trunk of his/her vehicle and the investigating officers will escort the supervisor to the station.

Watch Commander's Responsibilities. *The watch commander will respond to all scenes involving the seizure of narcotics-related currency which appears to be in excess of \$10,000.*